

**REMARKS**

Claims 1-10 are pending.

Claims 1-10 are rejected.

Claim 1 is amended in accordance with the comments in the Office Action to provide antecedent basis for all terms.

Claims 1 and 6 are amended to claim a “logical” connection being set up between the respective devices. Support for this amendment exists in the specification on page 3, line 33 to page 4, line 3, and in other places. No new matter is added by this amendment.

**Rejection of Claims 1- 10 under 35 USC 112, Second Paragraph**

Claims 1-10 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because these claims include limitations having insufficient antecedent basis.

Claim 1 has been amended in accordance with the comments in the Office Action to provide antecedent basis for all terms. No new matter is added by this amendment. In view of the above remarks and amendments to the claims, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

**Rejection of Claims 1, 2, 5-7 and 10 under 35 U.S.C. 102(b)**

The Examiner rejected Claims 1-10 under 35 U.S.C. 102(b) as being anticipated by Goto (U.S. Patent No. 5,291,343, hereafter referred to as ‘Goto’). Applicant disagrees with this ground of rejection.

In particular claim 1 provides a method for automatically setting up data connections between network subscriber stations in a network of distributed stations.

The network contains at least one recording appliance, a data source appliance and a data sink appliance. The method includes user-activated selection of a user interface for the recording appliance. A data source appliance is identified by checking for the existing data connections which have been set up for the data sink or the user interface. A logical connection between the data source for which a connection to the data sink appliance or the user-interface appliance has been set up and the recording appliance is automatically set up in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function.

The principles of Claim 1 are used for the quick launch of a record function for a content which is being played. (cf. p.4 li 16-19 “*The user often wishes to be able to record what he is currently viewing as a television programme on the display appliance as quickly as possible without any great complication* »). Furthermore, as explained in the specification (p.5 l.9-12) the aim of the claimed invention is “*to make operation more convenient in the network, but also to assist in the implementation of an instant-recording function in addition.*”

Goto describes an audio/video system with communication control units on both a TV and VCR. When a play or record function is activated on the VCR, the system checks the power state for the VCR and turns the VCR on. For a play function, the power state of the TV is then checked and the TV turned on. For the record state, the channel number on the TV is checked and the channel number for the VCR is tuned to match the TV channel via an antenna input, or the VCR receives a playback signal from the AV output from a TV unit. The play or record functions are then started.

However, Goto neither discloses nor suggests “automatically setting-up a logical connection between the data source appliance, for which a connection to the data sink appliance or to the user interface appliance has been set up, and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function” as recited in the present claimed arrangement. In Goto, the VCR is always physically connected directly to a TV and any connection set up necessary is performed once the play or record function is selected. Goto is also concerned with

matching the channel number selected on the VCR tuner with the channel selected on the TV. This is unlike the present claimed arrangement in which, a connection between a data source appliance or set top box and recording device or DVR is set up upon selecting a recording apparatus on a user interface. That is, the logical connection will not exist until the record operation is about to be enabled. Thus, as a direct point to point logical connection between the recording apparatus and data source is set up, once the record function of the recording apparatus is selected, recording can begin instantly. The recording apparatus will record the channel to which the data source is tuned.

The present claimed arrangement can be clearly seen when discussed in connection with Figure 3. Figure 3 shows the STB, DTV, DVR connected over a network and the STB is delivering a signal to the DTV.

In step 1 of claim 1 a user selects the DVR on a user interface;

In step 2 of claim 1, the data source appliance is identified;

In step 3 of claim 1, the only existing connection between said STB and said DTV is checked (or identified): that means that at this point, the STB is considered as the data source appliance and the DTV is considered as the data sink appliance;

In step 4 of claim 1, a logical connection is automatically set up between said (checked) source appliance and said DVR acting as a record appliance.

Hence, claim 1 is triggered by a single user-selection of a recording appliance or by a further record action selection, to automatically set up a new connection between said data source and said selected device which is considered as a data recording appliance. (cf. Specification p. 15 *"This order indicates that a new data connection needs to be set up between the set-top box 11 and the digital video recorder 12."*). This automatic connection is not performed by Goto. Goto performs the set up procedures discussed above upon selection of the record function thus delaying the recording, and does not need to automatically set up a logical connection, as a connection already exists between the recording device and the data source..

Goto also neither discloses nor suggests “identifying the data source appliance” or “checking for existing data connections which have been set up for the data sink appliance or the user interface appliance in the network” as in the present claimed arrangement. In Goto, the VCR and TV are directly connected via an antenna (RF) connection wire and AV connection wire and the VCR is also connected to the antenna. There is no need to identify the data source appliance on a network as in the present claimed arrangement in Goto as such information is not necessary because of such physical connections. In Goto, the antenna or data source is directly connected to the VCR. Goto is also not concerned with checking for existing data connections which have been set up for the data sink appliance or the user interface appliance in the network” as in the present claimed arrangement.

Therefore, amended claim 1 is new in view of Goto because nothing in the reference discloses or suggests the features of Claim 1.

For Claim 2, the Applicants claim that the (logical) data connection “between the data source appliance and the recording appliance is set up only after the recording function on the recording appliance has been activated by a user”. This element is not found in the cited prior art of Goto. It is apparent in, for example Fig. 1 of Goto, that such a connection (consider the antenna wire, av-connecting line, antenna itself) as the data source, the recording apparatus (VCR unit 7) is already physically connected and is able to take in such input at anytime. Such a connection already exists prior to the enablement of the recording function, unlike what is claimed in the present invention. Therefore, Claim 2 is neither disclosed nor anticipated by Goto.

For the reasons given above for Claims 1 and 2 are patentable. Likewise, Claim 6 is patentable for the same reasons given for Claim 1. Dependent Claims 3-5 and Claims 7-10 are patentable as such claims depend on Claims 1 and 6, respectively.

**Rejection of Claims 3, 4, 8 and 9 under 35 U.S.C. 103(a)**

The Examiner rejected Claims 3, 4, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Kou et al. (U.S. Patent Publication No. 2002/0078293A1, hereafter referred to as 'Kou'). Applicant disagrees with this ground of rejection.

Kou relates to a method for controlling devices in a Home network. Kou discloses a network of distributed stations comprising a data source appliance (212), a data sink appliance (216) and a recording appliance (VCR).

Kou was cited to show selection and control of devices in a home network wherein a user interface appliance is a display appliance for video images, the user interface is based on a graphical user interface and the data sink appliance is an amplifier device. Kou mainly concerns the concentration of responsibility for establishing a connection on a single dedicated controller. The main goal of Kou is to reduce the workload required by a controller dedicated to control distributed stations (Kou [014]). There is no mention or suggestion in Kou of the problem of "*instant-recording function*" nor does it suggest that Kou could support an instant recording function as claimed in Claim 1.

Kou focuses on two different operations:

- Allocation of a sufficient bandwidth to a target device cf. [0017]; and
- Choose a suitable output of target device for delivering the digital output [0018].

Jumping to the second element of amended Claim 1, Applicant respectfully maintains that the identification of possible connections by Kou, similarly to Goto, neither discloses nor suggests "identifying a data source appliance" or "checking for the existing data connections which have been set up for the data sink or the user interface" as recited in claim 1.

An illustration of the difference between the present claimed arrangement and Kou is shown by following our example; step 510 of Kou would lead to the following type of connections:

STB as source → DTV as sink then

STB as source → DVR as sink then

DVR as source → DTV as sink etc

Among the various listed possible connections, one finds the existing connection (STB → DTV) but for the invention, as explained above, the identification of existing connection has mainly the effect of identifying a **data source appliance currently delivering data to a data sink appliance**. Kou does not disclose or suggest anything to reach this effect because from this list of various possible connections one cannot distinguish a (**single**) data source appliance but two (STB or DVR) and in this particular case the DVR is not delivering anything, so it is not possible to record data output by DVR. Hence, similarly to Goto, this element of Claim 1 is not disclosed by Kou.

As previously noticed, in step 520 and 530 and in [0070] [0071] Kou discloses successive steps:

- A selection of an output in a source device for allowing to set up a connection (step **520**);
- A selection of sink device able to select an input device for sending data to said sink device (step **530**);
- Sending command from a control device to target devices connected to the network (step **540**).

« [0069] In **step 520** of FIG. 5, with reference also to FIG.4A, for a selected source device such as VCR 440, output select button 452 is used to select a particular output plug. For example, for a connection over network bus 230, serial bus output plug 420 is selected. Bandwidth for the connection is allocated and an isochronous channel number is assigned. Typically, the bandwidth and channel number are

*provided by the Isochronous Resource Manager (IRM) in an IEEE 1394 AV/C network. The channel number is stored as a state variable so that it can be queried by sink devices (e.g., TV 430) that want to receive the output.*

*[0070] In **step 530** of FIG. 5, with reference still to FIG. 4A as well, for a selected sink device such as TV 430, input-select button 451 is used to select a particular input device (source device) such as VCR 440 and a particular input plug.*

*[0071] In **step 540** of FIG. 5, AV/C controller 450 can be used to send commands (e.g., volume change, play, record, etc.) to the target devices on the network. »*

Then, Kou, similarly to Goto, does not teach or suggest “automatically setting-up a connection between the data source appliance<sub>1</sub> for which a connection to the data sink appliance or to the user interface appliance has been set up<sub>1</sub> and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function” as recited in claim 1.

Therefore, claim 1 is new in view of Goto and Kou, when taken alone or in combination, because nothing in these references discloses or suggests the features of Claim 1.

For the reasons given above, Claim 1 is patentable. Likewise, Claim 6 is patentable for the same reasons given for Claim 1. Dependent Claims 3 and 4 and Claims 8 and 9 are also patentable as such claims depend on Claims 1 and 6, respectively.

Having fully addressed the Examiner’s rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the

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Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

M. Weber

By: /Joel M. Fogelson/  
Joel M. Fogelson  
Reg. No. 43,613  
Tel. No. (609) 734-6809

Thomson Licensing, LLC  
Patent Operations  
PO Box 5312  
Princeton, NJ 08543-5312  
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